

# **AB 1681 – Lead in Jewelry Safety Act of 2005**

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## **Assemblymember Fran Pavley**

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### **IN BRIEF**

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In order to reduce child and adult exposure to lead, this bill would set a lead content standard of 200 ppm for all types of jewelry sold in and imported into California. This standard would, essentially, only allow trace levels of lead to be in jewelry.

### **THE ISSUE**

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Lead is a neurotoxin and is particularly hazardous to children. Lead in young children even at very minute levels can result in reduced IQ, learning disabilities, attention deficit disorders, behavioral problems, stunted growth, impaired hearing, and kidney damage.

Lead in adults increases blood pressure, and causes fertility problems, nerve disorders, muscle and joint pain, irritability, and memory or concentration problems. When a pregnant woman has lead in her body, she passes it on to her unborn child.

Lead enters the body when a person breathes or swallows lead objects, dust, fumes, or mist. Lead is absorbed into the bloodstream and distributed throughout the body. The lead that is not excreted right away is stored in soft tissue and bone. Eventually, 90 percent or more of the lead body burden is accumulated in the bones and may stay there for years. Studies have demonstrated that children's bodies absorb as much as 50% of the lead that they ingest.

Scientists today generally agree that there is no safe level of lead in anyone's body, particularly bodies of young children. The Centers for Disease Control states "there is no evidence of a

threshold below which adverse effects are not experienced."

Despite wide and longstanding recognition of lead's toxicity, the jewelry industry continues to knowingly manufacture, import, and distribute jewelry products, especially inexpensive jewelry marketed to children, which contain as much as 100% lead.

A recent study by the University of North Carolina examined 311 jewelry items that were purchased from California retailers. Of these items, 123 were found to contain more than 50% lead by weight. Remarkably, 36 of these 123 samples contained more than 75% lead.

Current state and federal laws regarding lead in products such as jewelry impose a lead standard that is exposure, not content based. As a result, jewelry manufacturers can make a piece of jewelry that consists almost entirely of lead, but is covered with a coating.

Time and again, individuals, particularly children, have placed such a piece of jewelry in their mouth, causing the lead underneath the coating to be exposed. In some instances, children have swallowed the jewelry. In such cases, the children have suffered severe lead poisoning because their stomach acids dissolved the jewelry's coating and their bodies absorbed the lead.

In the absence of strict lead-content standards, regulatory agencies have had to use the tools available to them -- labeling requirements and product recalls -- to control the use of lead by the jewelry industry. As a result, the Consumer Product Safety Commission (CPSC) has overseen six recalls involving over 150 million pieces of

lead-containing jewelry over the last three years. In addition, the California Attorney General is engaged in a lawsuit against numerous California-based retailers, including Nordstrom's, Target, JC Penny, and Claire's department stores, to try to compel those retailers to place Proposition 65 warning labels on lead containing jewelry sold at those establishments. Finally, the CPSC has, recently, developed lead-content guidelines for jewelry. These guidelines, however, are not requirements, or standards that can be strictly enforced by the Commission.

Without the enactment of a strict lead-content standard, jewelry containing hazardous levels of lead will continue to be marketed to the public and to children.

## **EXISTING LAW**

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Current law does the following:

- Establishes a "Universal Waste Rule" under which high volume, relatively low-risk hazardous waste (such as many consumer products containing mercury and lead) can be handled, recycled, and disposed of according to simplified, "universal" rules. Universal wastes produced by households and small businesses can continue to be disposed of in landfills until February 2006. Otherwise, universal wastes must be sent to authorized recycling facilities or to a universal waste consolidator.
- Lists lead on California's Proposition 65 list which includes all toxins that are known to the state to cause reproductive harm.
- Prohibits under the Federal Sherman Food, Drug, and Cosmetic Law, the sale of adulterated food, including food adulterated with lead, as defined.
- Prohibits the installation of leaded pipes.
- Prohibits the sale and distribution of toys containing lead paint.

- Prohibits the sale and distribution of tableware containing lead above certain levels.
- Requires the Department of Health Services to establish a childhood lead poisoning prevention program to identify and conduct medical follow-up of high-risk children and to establish procedures for environmental abatement.
- Requires DHS to assess a fee against persons who contributed to sources of lead contamination to fund the activities of the state's childhood lead poisoning prevention program.

## **THIS BILL**

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AB 1681 would establish a 200 ppm content standard for jewelry imported and sold in California. This standard would prevent the use of elemental lead in jewelry, but allow manufacturers to use other non-precious metals (such as tin, white metal, stainless steel, and zinc), that contain trace amounts of lead, when making inexpensive jewelry.

The 200 ppm lead content standard in AB 1681 is based on lead content standards established in court-ordered settlement agreements for mini-blinds and power cords. The standard would go into effect on January 1, 2007.

## **SUPPORT**

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The Coalition for Environmental Health

## **OPPOSITION**

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None on file.

## **FOR MORE INFORMATION**

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